

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Paul Vincent Price,

Case No. 24-cv-1409 (NEB/LIB)

Plaintiff,

v.

REPORT AND RECOMMENDATION

George J. Burke, Judge/P.O.,

Defendant.

This matter comes before the undersigned United States Magistrate Judge upon the routine supervision of the cases that pend before the Court, pursuant to a general assignment made in accordance with the provisions of 28 U.S.C. § 636.

In an Order dated May 3, 2024, this Court explained that plaintiff Paul Vincent Price, a prisoner, had submitted insufficient financial documentation from which to calculate the initial partial filing fee owed in this matter. (See Order [Docket No. 5]) (citing 28 U.S.C. § 1915(b)). Plaintiff was given thirty days to submit the required financial documentation, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. See Fed. R. Civ. P. 41(b).

That deadline has now passed, and Plaintiff has not supplied the required financial documentation. In fact, Plaintiff has not communicated with the Court about this case at all since the time of this Court's May 3 Order. Accordingly, this Court now recommends, consistent with the warning previously given to Plaintiff, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. See Henderson v. Renaissance Grand Hotel, 267 F. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under

Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

Based upon the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED THAT** this action be **DISMISSED without prejudice** under Fed. R. Civ. P. 41(b) for failure to prosecute.

Dated: June 17, 2024

s/Leo I. Brisbois
Hon. Leo I. Brisbois
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. See Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).